App. F. IX-4

1927.

File No. 302-27

Previous References (Madurai)

Serial Nos. 1-2

Later References

-1-9

Law:8-19,1

Mudu 137-40 sl-2

General and Revenue Secretariat.

Serial Nos. 2

Part B for April 1928

SUBJECT

Recommends sanction that, on account of mismanagement, the temple of Sri Veera Raghavaswami at Devanhalli, may be taken under Govt. management with its endowments worth Rs 2000/-

---

G.O. No. 1941-5 dated 24.4.1928

To the Madurai Collector

" Salem

" Coimbatore

Under the circumstances reported, the Madurai Collector's recommendation (Executive) & steps may be taken to secure the properties of the temple and report results.

G. R. S. APP F.III—1] 1927.

GENERAL AND REVENUE SECRETARIAT.

(Muzrai)

NOTES.

File No. 302-27

FILE HEADING.

Taking over under Govt management, the Sri Vee. Anjaneya Swamy temple built by the ancestors of the late Mr Narayana Rao in Denanahalli town.

FROM

The Muzrai Commissioner,

No. C. 972 Dated 13.2.28 Received

Diary No.	Enclos.	Spare copies	Serial No
1089	1 Re	-	1

BRIEF ABSTRACT OF LETTER

Recommends that on account of mismanagement, the temple in question may be taken under Govt management together with its endowments worth more than Rs 2000/-, and that after Govt sanction

NOTES AND ORDERS.

(Put up)

is accorded, he will take further action in the matter of securing the properties of the temple etc. billed away by the said gentleman.

The D C's letter dt 1.1.28, and

The M C's letter under disposal, explain-

NOTES—First Sheet.

1859 (2

App. F. III—2]

General and Revenue Secretariat. Mem. File No. 302 of 1927-28

Serial No.

The facts of the case.
Submitted for orders.
27.2.28

It has been brought to notice by the Dy. Revn. Comr. that the temple may perhaps be ordered to be taken under Govt. management. There is said to be the wish of the donor also.

3 As regards the honour also the claim & title of the present holders should be scrutinised and in case they are defective these properties should be taken under Govt. control for the benefit of the temple. A scale of fees & Expenses should also be fixed for the temple by the Dy Comr.

27.2.28

(Asst Member) 29/2

4912

(ii) 4 What is the authority under which we can interfere in this matter, has first to be settled. Is it under Section 14 of Regulation No. VII of 1927? If so, does the case come under (b) (vi) of this Section? According to the will of the donor, flag P, the management

NOTE—Contn sheet

management of the properti dowed e
temple was vested in his daughters and their
cendants. Who are the present trustees
ing to this will, and have they all de
be discharged from the trust ?

(iii) 5 If, however, the case comes under
tions 17 and 18, as the Deputy and Muzra
missioners appear to think, is this a
of an institution dedicated for the ben
the public, or a defined section of the p
The ~~correspondence and the~~ will of the donor
shows that the temple is a family instituion.
Is it permissible to hold that a temple, though
a family institution, is one dedicated for the
benefit of the public or a defined section of
the public ?

(iv) 6 Is the assumption of management by Govern
-ment to be in response to the request of the
donor stated to have been made by him in 1918
It has to be noted that the will is different
in this respect from the intention expressed in
the application addressed to the Muzrai Secre-
tary in 1913. Was this application received
by Government and dealt with? If so, the con-
nected papers may be put up.

7 The application for vesting the manage-
ment in Government ~~appears to be~~ bears a date

NOTE—Contn sheet.

later

Serial No.

later than that of the will. Can the provision for management made in the will be ignored and action now based upon the donor's application to Government made so far back as 27th June 1913 ?

8 There are some legal points involved which have to be carefully considered; before dealing with them, however, the information required above may, if available in the records, be noted.

Mmc 3.3.28

M)

9 Re member's minutes, the following information gathered from the records is submitted :—

(1) The case comes under (a) also of Sec 14 of the new Regulation.

N (2) In addition to his petition dt 27th June 1918, Mr. D Narayana Rao, (since deceased, has given a kyfiyat before the Amildar on 16/9 handing over the temple and its properties to the management of govt.

(3) The Dy Comr reports that the consent of Mr Narayana Rao's heirs viz his wife Sonabayamma and grand-son Ramachandra Rao have been obtained (vide their kyfiyats.)

NOTE—Contn sheet

D & C.

W.D 0324—GPB—60,000—24 5 27

1089

General and Revenue Secretariat. Mug File No. 302 of 1927-28

Serial No.

12

F1 A genealogical tree produced by Mr Narayana Rao's brother's son is flagged.

P (Under Exhibit) 13 Mr Narayana Rao states in his will that his cousins have no right to his properties. In her Registered Dy 1.12.23, Sonabayamma states that her daughters and grand-children have no right to the temple properties set apart by her husband.

I1 (III) 14 Both the Dy Comr and the Asst Comr recommend interference under Sec 14 of the Hindu Regn in the ground that the archaka objects to the transfer of stores no 12 & in his possession to the temple.

(Under Exhibit) G1 Though the matter is a family quarrel, Mr Narayana Rao makes it over to Govt management. - Mr Narayanadas makes it over to the Govt. - Mr Narayanadas makes it over to Govt management. It was pleaded on behalf of the temple that Mr Narayanadas should be interested in the matter. 15 Mr D Rao's petition of June 18, was sent on to the DC for disposal by the Asst Comr after necessary enquiry. The case is now pending for orders of Govt.

(Letter no. F2 4) 6.8.1928

N G1 (IV) On the basis of the petition and the depositions of Mr N. Rao Govt may intervene in the matter for orders & if necessary Law Dept may advise

NOTE—Contn. sheet.

WD 0324—GPB—60,000—24 5-27

17/3 5261/16/3

9.3.28 10/3/28 Committee 2nd Member) 15/3

1089

App. F. III—2] 6

General and Revenue Secretariat. Mun File No. 302 of 1927-28

Serial No.

17 We may obtain the opinion of the Law Dept on the points mentioned in my note of 3.3.28

mvg
16.3.28

Law Records)
BG
17.3.28

18 I have read the will & the statement of the testator.

19 From the circumstance of the case it is clear that the temple of Vinayagar was built at Dewanhelli that a provision of daily worship was made by the donor, that it is open for public worship & that lands are granted to the temple. These constitute strong evidence of its public character. [See 24 Mad 243, 34 Ind Cases ;]

20 From the wording used in the will, it cannot be said that the daughters were appointed trustees. All that is there is "[illegible]".

21 It may be interested to mean that it was his pious wish that his descendants should carry out his desire.

NOTE—Contn. sheet

WD 0324—GPB—60,000—24-5-27

4 1089 7

App. F. III—2]

General and Revenue Secretariat. Mer. File No. 302 of 1927-28

Serial No.

22 Jesfatong
His intention was expressed subsequent to the date of the bill is clear.
He Govt has handed over the management of the endowed properties to Govt. Under his Statement dated 27-6-1918 H NJ

23 In these circumstances Sec 14(a) applies to the case & as such Govt may undertake the management as recommended by Mun Comm

Forwarded with Compts. 8/4 5/4

24 Submitted for perusal of the Hon. Rev. Member. The Mer Cmt Recm: may be sanctd if approved
7.4.28 2nd Member 7/4.

25 A- Yes
9/4/28

26 Sanctd
10/4

27 Hon. G.O. Secretary
M 14.4.28 14-4-28

28 Pursuant to sanctn
16/4

NOTE—Contn. sheet.

INCIL
5 APR. 1928
No. 5809

WD 0324—GPB—60,000—24 5 27

1087

App. F. III—2]

General and Revenue Secretariat. Mew File No. 302 of 1927-28

Serial No. 24

Typed Mss Sanctn

18.4.28

18.4.28

6045 3

2nd Number

28/1874

20 APR. 1928 No 15892

30, 1 M c 27.1.28

31 Mrs

20/4/28

2 To Genl Commr No 1944-5 24.4.28 Comptr

Sanctions the m's recommendation & states that steps may be taken to secure the properties of the temple & the results reported to Govt

B of Mss

NOTE—Contn sheet

C. 13]

14 FEB. 1928 No

OFFICE OF THE MUZRAI COMMISSIONER IN MYSORE,

Bangalore....13th..February.....192

No. C 972 27-8 En one copy & one file

FROM

P. G. D'Souza, Esq., B.A., B.L.,

The Muzrai Commissioner in Mysore.

Bangalore.

TO

P. Srinivasa Iyengar, Esq., B.A., B.L.,

Secretary to the Government of His Highness the Maharaja of Mysore,

Financial Department.

SIR,

I have the honor to submit herewith a copy of letter No.C.3-1323/27-28, dated 18th January 1928, received from the Deputy Commissioner Bangalore District, submitting proposals for taking over under Government management the Sri Veera Anjaneyaswami temple at Devanahalli town.

The temple was built by the ancestors of the late Mr. Narayana Rao of Devanahally who donated the properties noted in the margin in favour of the temple, in accordance with the wishes of his ancestors, through a registered will. The Archak of the temple, appointed by the donor strongly objects to the transfer of house No.128 which is now in his possession, say that the house was given to him by the donor with full powers of enjoyment and ---- alienation. As regards the transfer of house No.540, which is in the custody of one Venkataramanappa, the Deputy Commissioner has not said anything

(1) Wet S.No.51 of Hire Amanikere, 2 acres and 34 guntas in extent, and assessed at Rs.20-3-0	
(2) Dry S.No.270 of Devanahally town, measuring 3 acres and 10 guntas and assessed at Rs.5-13-6	
(3) The Chattram adjoining the temple at Devanahalli	
(4) A stone oil mill, standing before the house No.540 at Devanahally.	
(5) House No.540 at Devanahally.	
(6) House No.128 at do	

xcluding these two houses the remaining 4 properties in respect

of which the seems to be no substantial dispute may be transferred to the name of the institution on the authority of the will of the donor.

It is reported that the properties are worth more than Rs.2000 and yield an annual income of Rs.200/-.

The Deputy Commissioner recommends that the institution may be taken under Government management, on account of its mismanagement. I agree to the view taken by the Deputy Commissioner and recommend -- that the institution may be taken over under Government management, together with its endowments, and treated as a Muzrai institution.

Further action in the matter of securing the properties of the temple etc., will be taken after sanction of Government is ----- received.

The entire file of records received from the Deputy Commissioner Bangalore District is enclosed for reference and kind return.

I have the honor to be,

Sir,

Your most obedient servant,

Muzrai Commissioner.

er No.C3-1323/27-28 dated 18th January 1928 from the -- Commissioner, Bangalore District to the Muzrai Commissioner Mysore-

---

"In submitting herewith the entire file of papers ending with the Dodballapur Sub Division Officer's memo No.A4-267/27-28 dated - 30th October 1927 in regard to the proposal to take over the Sri -- Veera Anjaneya swamy temple in Devanhalli Town, under Government management, I have the honor to state as follows:--

2. The temple was built by the ancestors of the late Devanhalli Narayana Rao, the Deity installed therein and arrangements made for worship therein. Mr. Narayana Rao during his life time willed away the following properties in favour of the temple on 1st September - 1917 and submitted a petition praying that the house, Chattram and the two lands in his possession and enjoyment may be taken over -- under Government management and treated as a Muzrai Institution.

1. Wet S.No.51 of Amanikere, measuring 2-34 guntas assessed at Rs.20-3-0.
2. Dry S.No.270 of Devanhalli town (3-10 guntas assessed at Rs.5-13-6).
3. A stone oil mill.
4. House No.128
5. The chattram.

The Amildar, Devanhalli Taluk recommends that the management of this non-Muzrai temple may be taken over under Government management as the archak in charge has not been doing puja properly and that the properties gifted for the purpose are not managed properly. The present heirs of the donor and the villagers urge that in the interests of the institution and its proper management, it is necessary to take it under Government management and treat the institution as a Muzrai one. Excepting the house to which the Archak claims ownership the other properties can without difficulty be taken possession of by Government on the authority of the will of the late Mr. Narayana Rao and the consent of his present heirs, viz., his wife and grandson. It is reported that all the properties are worth more than Rs.2000/- and yield an annual income of Rs.200/-.

3. As the Amildar has after due enquiry found that there has been a mismanagement of the institution and its property it seems to be a fit case for being taken over under Government management under Section 18 of Religious and Charitable Institutions Regulation. If this is sanctioned further action will be taken to secure the properties and

to

to fix a scale of income and expenditure for the institution.

"C o p y"

For Muzrai Commissioner.

the Maharaja of Mysore.

R e a d :-

Letter No.C.972 dated 13th February from the Muzrai Commissioner in Mysore, submitting proposals for taking over under Govt management the temple of Sri Veera Anjaneya swamy at Devanhally town.

O r d e r No: 1944-5 (Records) 244/ mes 302-27-2

The Sri Veera Anjaneya Swamy temple was built at Devanhalli by the ancestors of the late Mr.Narayana Rao of Devanahalli who installed deity therein and made arrangements for worship thereof. Mr.Narayana Rao during his life time donated the marginall noted properties worth about Rs.2000 favor of the temple on 1st September 1917 accordance with the wishes of his ancestors through a registered will and submitted a petition in June 1918 praying that the houses, chattram and the lands in his possession may be taken over under Government management and the temple treated as a Muzrai Institut In addition to the above, he also gave a Kyphiat before the Amildar handing over th properties to the management of Govt.in 19 The Archak of the temple appointed by the donor has however objected to the transfer house No.128 occupied by him alleging that house was given to him by the donor with ful powers of alienation. Agreeing with the Dep Commissioner, the Muzrai Commissioner recommends that on account of its mismanagemen institution may be taken over under Govt. management together with its endowments, treated as a Muzrai Institution.

Wet S.No.51 of Hire Amanikere, 2 acres and 34 guntas in extent and assessed at Rs.20-3-0.
Dry S.No.270 of Devanhalli town, measuring 3 acres and 10 guntas and assessed at Rs.5-13-6.
The chattram adjoining the temple at Devanhalli.
A stone oil Mill standing before the house No.540 at Devanhalli.
House No.540 at Devanhalli.
House No.128 at " "

2. Under the circumstances reported, Muzrai Commissioner's recommendation for

taking

over under Government management the temple of Sri Veera Anjaneya Swamy in question, is sanctioned. Necessary steps may be taken for securing the properties of the temple and the result reported to Government.

Fair draft) Secretary to Government,
Financial Department.

To

The Muzrai Commissioner in Mysore, with records.

The Comptroller to Government.